

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)
) Bankruptcy Case
UNIMEX CORPORATION,) No. 20-12535-BFK
) Chapter 11
Debtor.)
_____))
)
JOLENE E. WEE, PLAN TRUSTEE OF)
UNIMEX CORPORATION,)
)
c/o Nelson Mullins Riley & Scarborough LLP)
101 Constitution Ave., NW, Suite 900)
Washington, DC 20001)
)
Plaintiff,)
v.) Adversary Proceeding No. _____

WEIWEI JIAN,)
)
20904 Butterwood Falls Terrace)
Sterling, Virginia 20165)
)
And)
)
Buffer Zone, LLC)
)
Weiwei Jian, Registered Agent)
21351 Gentry Dr., Suite 130)
Sterling, VA 20166)
)
And)
)
Gold Creek Properties, LLC)
)
Weiwei Jian, Registered Agent)
21351 Gentry Dr., Suite 130)
Sterling, VA 20166)
)
Defendants.)

Dylan G. Trache, Va. Bar No. 45939
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
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(202) 689-2800
Counsel to the Plan Trustee

**COMPLAINT TO AVOID TRANSFERS,
RECOVER PROPERTY AND FOR RELATED RELIEF**

COMES NOW Jolene E. Wee, the Plan Trustee (“Trustee” or “Plaintiff”) for Unimex Corporation (“Unimex” or “Debtor”), by and through her undersigned counsel, and files this Complaint for Breach of Settlement Agreement (“Complaint”) against Weiwei Jian, Buffer Zone, LLC and Gold Creek Properties, LLC (“Defendants”), stating to the Court as follows:

PARTIES

1. Plaintiff Jolene E. Wee is the court-appointed Plan Trustee of Debtor’s bankruptcy estate, 447 Broadway Street, 2nd FL 502, New York, NY 10013. Any service related to this matter should be directed to Plaintiff’s undersigned counsel.

2. Defendant WeiWei Jian is the Debtor’s President and sole shareholder. Defendant WeiWei Jian is the sole member of Defendant Buffer Zone, LLC and Defendant Gold Creek Properties, LLC. He resides at 20904 Butterwood Falls Terrace, Sterling, Virginia 20165.

BACKGROUND AND JURISDICTION

3. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 1334 and 157.

4. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1409.

6. On November 16, 2020 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the “Bankruptcy Code”) in the United States Bankruptcy Court for the Eastern District of Virginia, Alexandria Division (the “Court”) commencing its chapter 11 case (the “Bankruptcy Case”).

7. On November 18, 2020, Jolene Wee was subsequently appointed as subchapter V trustee.

8. By Order entered on April 5, 2021 (“Confirmation Order”), the Court confirmed the Debtor’s Amended Plan of Reorganization for Small Business Under Chapter 11 (“Plan”).

9. Article 10 of the Plan as amended by the Confirmation Order authorized the Trustee to pursue certain Avoidance Actions under Chapter 5 of the Bankruptcy Code.

10. On November 14, 2022, the Trustee commenced an adversary proceeding against Weiwei Jian in the United States Bankruptcy Court for the Eastern District of Virginia, seeking to avoid certain equity distributions and other transfers as specified therein and the entry of judgment for the benefit of the Estate pursuant to 11 U.S.C. §§ 544(b), 548, 549 and 550 (the “Adversary Proceeding”).

11. On January 4, 2024, trial commenced on the Adversary Proceeding.

12. Following the commencement of trial, counsel for the Trustee and counsel for Jian have engaged in settlement negotiations to resolve the allegations in the complaint without further litigation. Jian disputed that the transfers were avoidable. The proposed terms of the settlement were announced on the record on March 1, 2024.

13. Thereafter, the parties executed a Settlement Agreement (the “Settlement Agreement”). A true and correct copy the Settlement Agreement is attached hereto as **Exhibit A**.

14. By Order entered on May 7, 2024, the Court approved the Settlement Agreement.

15. Under the terms of the Settlement Agreement, Defendants were required to pay the Trustee the sum of \$237,500.00 in satisfaction of the Trustee’s claims in the Adversary Proceeding to be paid as follows: \$100,000.00 was to be paid no later than May 1, 2024 and the remaining

\$137,500.00 was to be paid monthly installments in the amount of \$5,729.17 due on the 1st day of the month thereafter for 24 months, commencing on June 1, 2024 and ending on May 1, 2026.

16. Jian paid the first \$100,000.00 required by the terms of the Settlement Agreement.

17. Jian failed to timely pay the June 2024 monthly installment of \$5,729.17 required by the terms of the Settlement Agreement.

18. On June 12, 2024, the Trustee served a notice of default with respect to the June 2024 monthly installment.

19. Prior to the expiration of the thirty (30) day period under Paragraph 2 of the Settlement Agreement, Jian paid the June 2024 monthly installment.

20. Jian failed to timely pay the July 2024 monthly installment of \$5,729.17. required by the terms of the Settlement Agreement.

21. On July 17, 2024, the Trustee served a notice of default with respect to the July 2024 monthly installment. A true and copy of this Notice of Default is attached hereto as **Exhibit B.**

22. Jian failed to make the July 2024 monthly installment by August 16, 2024.

COUNT I – BREACH OF CONTRACT

23. The Plaintiff repeats and realleges every allegation contained in the above paragraphs, inclusive, as though fully set forth herein.

24. The Settlement Agreement required Jian to make payment in the amount of \$5,729.17 on or before July 1, 2026.

25. After Jian failed to make payment in the amount of in the amount of \$5,729.17 for July 2024, the Trustee served a Notice of Default as required by the Settlement Agreement.

26. The deadline for Jian to cure his default was August 16, 2024.

27. Jian failed to cure his default prior to August 16, 2024.

28. Under the terms of the Settlement Agreement, as a result of Jian's failure to cure his default within thirty (30) days, the Trustee is authorized to immediately seek judgement for the remaining amount due under the Settlement Agreement plus eighteen percent (18%).

29. The remaining amount due under the Settlement Agreement is \$131,770.83.

30. The Trustee is entitled to judgment against Jian in the amount of \$155,489.58.

WHEREFORE, the Plaintiff prays for judgment for Plaintiff and against the Defendants WeiWei Jian, Buffer Zone, LLC and Gold Creek Properties, LLC jointly and severally in the amount of \$155,489.58 plus allowed costs.

Dated: August 23, 2024

Respectfully submitted,

JOLENE E. WEE, PLAN TRUSTEE

By Counsel

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